IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:
THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

MACA.No. 1891 of 2007

OPMV.61/2000 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KALPETTA
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APPELLANT/PETITIONER

P.T.NARAYANAN, AGED 54 YEARS,
S/O.KORAN, PATTERI HOUSE,
P.O.MEPPADY, ERUMAKOLLY, VYTHIRI TALUK.

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)

RESPONDENTS: RESPONDENTS
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1. T.R.GOPALAN, AGED 47 YEARS,
S/O.LATE RAMAN, THEKKEPURAYIL HOUSE,
POOLAKUNNU, ERUMAKOLLY, NO.1, MEPADI P.O.

2. MOHAMMED RAFI, AGED NOT KNOWN,
FATHER'S NAME NOT KNOWN,
PONKALATHIL HOUSE, NELLIMUNDA ESTATE,
MEPPADI.

3. THE NEW INSURANCE COMPANY, MGT BUILDINGS
P.O.KALPETTA NORTH.

4. HUSSAIN, S/O.HAMZA, LAKSHMI VEEDU
COLONY, KAPPANKOLLY P.O. MEPADI P.O.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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C.M.Appl.No.1952 OF 2007 &
M.A.C.A.No.1891 OF 2007

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Dated this the 19th day of October, 2007

JUDGMENT

Radhakrishnan, J

There is a delay of 238 days in filing this appeal. We have gone through the affidavit filed in support of the petition for condonation of delay. We are of the view that sufficient grounds have not been made out to condone the delay.

2. This appeal is filed by the appellant seeking enhanced compensation. On 29.6.91, while the appellant travelling in the Autorikshaw bearing no. KL 10C/1925, the vehicle capsized due to the rash and negligent driving of respondent no.4. The appellant sustained serious injuries and was hospitalised. Appellant filed O.P.(MV)No.61 of 2000 before the MACT, Kalpetta claiming a compensation of Rs.2,00,000/-. Considering the entire facts and circumstances of the case, Tribunal awarded Rs.46,600/- as compensation.

3. We have gone through the records produced before us. Petitioner claimed that he was a coolie worker and he was

earning monthly income of Rs.4,000/-. But no evidence was adduced for proving his monthly income. So, the Tribunal fixed his monthly income at Rs.2,100/-. Ext.A10, disability certificate issued by a doctor of Medical College Hospital shows that the appellant has 15% disability. But the doctor who issued the disability certificate is not a member of Medical Board. So Tribunal fixed percentage of disability at 10%. Rs.27,720/- was fixed as compensation for 10% disability by fixing 11 as multiplier. In all other heads, Tribunal awarded reasonable amounts.

Therefore, we find no reason to interfere with the award passed by the Tribunal. In such circumstances, both the petition to condone the delay and the appeal stand dismissed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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